

United States District Court
for the
Southern District of Florida

Kevin J. Dillard, Plaintiff,)	
)	
v.)	Civil Action No. 23-22423-Civ-Scola
)	
Geo Care Treasure Coast Forensic)	
Treatment Center, Defendant.)	

Order Denying Motion for Leave to Appeal *In Forma Pauperis*

Plaintiff Kevin J. Dillard has moved for leave to proceed *in forma pauperis* on appeal. (Pl.’s Mot., ECF No. 27.) The Court denies the motion for two reasons: (1) the motion does not satisfy the requirements of Rule 24(a)(1) of the Federal Rules of Appellate Procedure, and (2) Dillard’s appeal is not taken in good faith. Either of these reasons is sufficient on its own to deny the motion.

Rule 24(a)(1) of the Federal Rules of Appellate Procedure provides that a party filing a motion in district court seeking to appeal *in forma pauperis* must attach an affidavit to the motion that, among other things, “claims an entitlement to redress” and “states the issues that the party intends to present on appeal.” Fed. R. App. P. 24(a)(1)(B)–(C). Dillard’s motion fails to do either, and instead simply identifies (1) a paperless order the Court entered on January 16, 2024, striking an improper “notice” Dillard had filed (long after judgment in his case had been entered) and (2) a motion for an injunction that Dillard says he filed in December 2023 (but which does not appear on the Court’s docket). This does not provide any information about whether Dillard claims an entitlement to redress or what particular issues he intends to present on appeal.

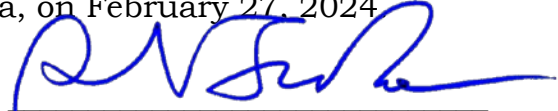
Moreover, Dillard has not provided any financial information from which the Court could determine that he is unable to pay the filing fee. And, in the margins of his filing, Dillard asks for an extension of time submit his filing fee, further undercutting his inability to pay it.

Lastly, the Court finds Dillard’s motion is not taken in good faith. “An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). “A party demonstrates good faith by seeking appellate review of any issue that is not frivolous when examined under an objective standard.” *Ghee v. Retailers National Bank*, 271 F. App’x 858, 859 (11th Cir. 2008). An appeal filed *in forma pauperis* is frivolous “when it appears the plaintiff has little or no

chance of success,” meaning that the “factual allegations are clearly baseless or that the legal theories are indisputably meritless.” *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993) (internal quotation marks omitted). Dillard’s appeal appears to have little or no chance of success: he does not even suggest, never mind actually set forth, a legal theory that appears to have any merit or any material factual allegations that would support an appeal.

For the reasons set forth above, the Court **denies** Dillard’s motion for leave to proceed *in forma pauperis* on appeal (**ECF No. 27**).

Done and ordered, in Miami, Florida, on February 27, 2024

A handwritten signature in blue ink, appearing to read 'R. N. Scola, Jr.', written over a horizontal line.

Robert N. Scola, Jr.
United States District Judge

Copy via U.S. mail to:

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